

## AMENDMENTS TO CLAIMS

*All claims are shown below.*

1-40. (Cancelled)

41. (Previously Presented): An implant sized to be inserted between adjacent vertebrae comprising:

- a first piece having a first socket;
- a second piece having a second socket; and
- a crossbar member that is at least partially received in the first socket and the second socket, wherein after an implant is inserted and the patient has healed at least the first piece remains capable of pivoting about the crossbar member to accommodate at least one of flexion, extension and lateral bending; wherein at least one of the first piece and the second piece are moveable about the crossbar member to allow a twisting motion of said piece.

42. (Previously Presented): An implant adapted to be placed between two vertebral bodies comprising:

- an upper implant further comprising, a first surface that is adapted to contact a bottom surface of an upper vertebral body, and a second surface having a first concave socket;

- a lower implant further comprising, a first surface that is adapted to contact an upper surface of a lower vertebral body, and a second surface having a second concave socket; and

a crossbar member with a first beam that is received in the first concave socket of the upper implant and a second beam that is received in the second concave socket of the lower implant, wherein after an implant is inserted and the patient has healed at least one of the upper and lower implant remains capable of pivoting about the crossbar; wherein at least one of the upper implant and the lower implant are moveable about the crossbar member to allow a twisting motion of said piece.

43. (Previously Presented): An implant adapted to be placed between two vertebral bodies comprising:

an upper implant further comprising, a first surface that is adapted to contact a bottom surface of an upper vertebral body, and a second surface having a first concave socket;

a lower implant further comprising, a first surface that is adapted to contact an upper surface of a lower vertebral body, and a second surface having a second concave socket; and

a crossbar member with a first beam that is received in the first concave socket of the upper implant and a second beam that is received in the second concave socket of the lower implant, wherein after an implant is inserted and the patient has healed at least one of the upper and lower implant remains capable of pivoting about the crossbar; wherein the first concave socket in the upper implant is oriented to lie in a plane perpendicular to a sagittal plane of a patient.

44. (Cancelled)

45. (New) An implant sized to be inserted between adjacent vertebrae comprising:

a first piece having a first socket;

a second piece having a second socket; and

a crossbar member wherein the crossbar includes a first beam and a second beam that are at least partially received in the first socket and the second socket respectively, wherein after an implant is inserted and the patient has healed at least the first piece remains capable of pivoting about the crossbar member to accommodate at least one of flexion, extension and lateral bending; wherein at least one of the first piece and the second piece are moveable about the crossbar member to allow a twisting motion of said piece.

46. (New) The implant of claim 45, wherein the first beam is received in the first socket and the second beam is received in the second socket.

47. (New) The implant of claim 45, wherein the first beam and the second beam of the crossbar form a cross.

48. (New) The implant of claim 45, wherein the first beam of the crossbar abuts the second beam of the crossbar.

49. (New) The implant of claim 45, wherein the first beam of the crossbar crosses the second beam of the crossbar at a midpoint along the second beam.

50. (New) The implant of claim 45, wherein the first beam of the crossbar and the second beam of the crossbar are formed integrally.

51. (New) The implant of claim 45, wherein the first beam of the crossbar and the second beam of the crossbar are adhered to each other.

52. (New) The implant of claim 45, wherein the first beam of the crossbar crosses the second beam of the crossbar at a midpoint of the second beam and at an end point of the second beam.

53. (New) The implant of claim 45, wherein the first beam of the crossbar is positioned at least partially above the second beam of the crossbar.

54. (New) The implant of claim 41, wherein the crossbar member can pivot on itself.

55. (New) The implant of claim 41, wherein one of the first socket and second socket is sloped to allow rocking motion.

56. (New) The implant of claim 41, wherein one of the socket of the first piece and the socket of the second piece is oriented in a plane parallel to a sagittal plane of a patient and the other of the socket of the first piece and the socket of the second piece is oriented in a plane that is perpendicular to a sagittal plane of a patient.

57. (New) The implant of claim 41, wherein one of at least the first piece and the second piece can rotate on one of the beams of the crossbar.

58. (New) The implant of claim 42, wherein the first beam and the second beam are perpendicular.

59. (New) The implant of claim 42, wherein the crossbar member can pivot on itself.

60. (New) The implant of claim 42, wherein one of the first socket and second socket is sloped to allow rocking motion.

61. (New) The implant of claim 42, wherein the first beam of the crossbar crosses the second beam of the crossbar at a midpoint along the second beam.

62. (New) The implant of claim 42, wherein the first beam of the crossbar and the second beam of the crossbar are formed integrally.

63. (New) The implant of claim 45, wherein the first beam of the crossbar and the second beam of the crossbar are adhered to each other.

64. (New) The implant of claim 42, wherein the second socket in the second piece is oriented to lie in a plane perpendicular to a sagittal plane of a patient.

65. (New) The implant of claim 43, wherein the first beam and the second beam are perpendicular.

66. (New) The implant of claim 43, wherein the crossbar member can pivot on itself.

67. (New) The implant of claim 43, wherein one of the first concave socket and second concave socket is sloped to allow rocking motion.

68. (New) The implant of claim 43, wherein the first beam and the second beam of the crossbar form a cross.

69. (New) The implant of claim 43, wherein the first beam of the crossbar is positioned at least partially above the second beam of the crossbar.

70. (New) The implant of claim 43, wherein the first surface of the upper implant has a keel extending therefrom.

71. (New) The implant of claim 70, wherein the keel is oriented in a first plane and the first concave socket in a second plane, wherein the first plane and the second plane are perpendicular to each other.

72. (New) The implant of claim 44, wherein the first surface of the lower implant has a keel extending therefrom.

73. (New) The implant of claim 72, wherein the keel is oriented in a first plane and the second concave socket in a second plane, wherein the first plane and the second plane are perpendicular to each other.

74. (New) The implant of claim 43, wherein the second concave socket in the lower implant is oriented to lie in a plane perpendicular to a sagittal plane of a patient.

75. (New) The implant of claim 43, including a first keel extending from the first surface of the upper implant and adapted to engage the lower vertebral body, and a second keel extending from the first surface of the lower implant and adapted to engage the upper vertebral body.

76. (New) The implant of claim 43, wherein the second surface of the upper plate and the second surface of the lower plate slope away from each other.

77. (New) The implant of claim 43, wherein at least one of the second surface of the upper plate and the second surface of the lower plate has a portion that slopes away from the socket.

78. (New) The implant of claim 43, wherein one of at least the upper implant and the lower implant can rotate on one of the beams of the crossbar.

79. (New) The implant of claim 43, wherein a fit between the crossbar and the sockets of the upper and lower implant is loose.